

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION
This document relates to:
Track One Cases

MDL 2804
Case No. 17-md-2804
Hon. Dan Aaron Polster

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY ADJUDICATION THAT
DEFENDANTS DID NOT COMPLY WITH THEIR DUTIES UNDER THE
FEDERAL CONTROLLED SUBSTANCES ACT TO REPORT SUSPICIOUS
OPIOID ORDERS AND NOT SHIP THEM**

Pursuant to Federal Rule of Civil Procedure 56, Track One Plaintiffs ("Plaintiffs"), by their undersigned counsel, respectfully move for partial summary adjudication that Defendants did not comply with their duties under the federal controlled substances act to report suspicious opioid orders and not ship them. As set forth in the accompanying Memorandum of Law, the undisputed evidence shows that Defendants did not comply with the Controlled Substances Act and its implementing regulations. In particular, they did not maintain effective controls against diversion, did not design and operate systems to detect suspicious orders, did not report suspicious order to the federal Drug Enforcement Administration when detected, and/or did not suspend shipment of suspicious orders unless and until they could determine that diversion was unlikely.

In support of this motion, Plaintiffs submit Plaintiffs' Memorandum of Law dated June 28, 2019, a Summary Sheet, and Exhibits 1 through 479, which are being filed contemporaneously with this motion.

WHEREFORE, for the reasons set forth in detail in Plaintiffs' Memorandum of Law, Plaintiffs respectfully request that this Court enter an Order granting this Motion in its entirety and finding that Defendants' conduct was in violation of the Controlled Substances Act.

Dated: June 28, 2019

Respectfully submitted,

/s/Paul J. Hanly, Jr.

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